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Moss D. Posner, M.D. and Anthony A. Lamarque

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**RODNEY COLEMAN,**

Plaintiff,

v.

**MOSS D. POSNER, M.D.,  
CHARLES D. LEE, et al.,**

Defendants.

C 04-05269 BZ

**STIPULATED PROTECTIVE ORDER**

Subject to the approval of this Court, the parties hereby stipulate to the following protective order:

1. In connection with discovery proceedings in this action, Plaintiff seeks production of all claims of inadequate medical care filed by inmates of Salinas Valley State Prison over the past seven years (hereinafter "Claims").

2. Any and all copies of Claims, in any form whatever, the information contained therein, and any summaries, copies, abstracts, or other documents derived in whole or in part from Claims (hereinafter "Confidential Material") shall be used only for the purpose of the prosecution, defense, or settlement of this action, and for no other purpose.

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3. Confidential Material produced pursuant to this Order may be disclosed or made available only to the Court, to the parties, to counsel for the parties (including the paralegal, clerical, and secretarial staff employed by such counsel), and to the “qualified persons” designated below:

- (a) experts or consultants (together with their clerical staff) retained by such counsel to assist in the prosecution, defense, or settlement of this action;
- (b) court reporter(s) employed in this action; and
- (c) any other person as to whom the parties in writing agree.

Prior to receiving any Confidential Material, each “qualified person” shall be provided with a copy of this Order and shall execute a nondisclosure agreement in the form of Attachment A, a copy of which shall be provided forthwith to counsel for each other party and for the parties.

4. Depositions shall be taken only in the presence of qualified persons.

5. Nothing herein shall impose any restrictions on the use or disclosure by a party of material obtained by such party independent of discovery in this action, whether or not such material is also obtained through discovery in this action, or from disclosing its own Confidential Material as it deems appropriate.

6. If Confidential Material is included in any papers to be filed in Court, such papers shall be Labeled “Confidential--Subject to Court Order” and filed under seal until further order of this Court.

7. In the event that any Confidential Material is used in any court proceeding in this action, it shall not lose its confidential status through such use, and the party using such shall take all reasonable steps to maintain its confidentiality during such use.

8. This Order shall be without prejudice to the right of the parties (i) to bring before the Court at any time the question of whether any particular document or information is confidential or whether its use should be restricted or (ii) to present a motion to the Court under FRCP 26(c) for a separate protective order as to any particular document or information, including restrictions differing from those as specified herein. This Order shall not be deemed to prejudice the parties in any way in any future application for modification of this Order.

9. This Order is entered solely for the purpose of facilitating the exchange of documents and information between the parties to this action without involving the Court unnecessarily in the process. Nothing in this Order nor the production of any information or document under the terms of this Order nor any proceedings pursuant to this Order shall be deemed to have the effect of an admission or waiver by either party or of altering the confidentiality or nonconfidentiality of any such document or information or altering any existing obligation of any party or the absence thereof.

10. This Order shall survive the final termination of this action, to the extent that the information contained in Confidential Material is not or does not become known to the public, and the Court shall retain jurisdiction to resolve any dispute concerning the use of information disclosed hereunder. Upon termination of this case, counsel for the parties shall assemble and return to each other all documents, material and deposition transcripts designated as confidential and all copies of same, or shall certify the destruction thereof.

SO STIPULATED:

DATED: January 27, 2006

/s/ HARRY T. GOWER, III  
HARRY T. GOWER, III  
Attorney for Defendants

DATED: January 23, 2006

/s/ KAREN A. BRAJE  
KAREN A. BRAJE  
Attorney for Plaintiff

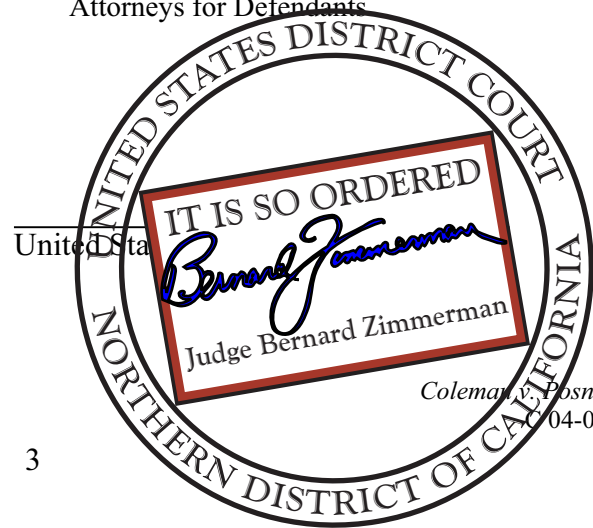
I hereby attest that I have on file holographic signatures for the signatures indicated as "conformed" signatures ("/s/") within this e-filed document.

Dated: January 27, 2006

/s/ HARRY T. GOWER, III  
HARRY T. GOWER, III  
Deputy Attorney General  
Attorneys for Defendants

APPROVED AND SO ORDERED:

DATED: January 27, 2006



STIPULATED PROTECTIVE ORDER

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**Attachment A**

NONDISCLOSURE AGREEMENT

I, \_\_\_\_\_ do solemnly swear that I am fully familiar with the terms of the Stipulated Protective Order entered in Rodney Coleman v. Moss D. Posner, M.D., et al., United States District Court for the Northern District of California, Case No. C 04-05269 BZ, and hereby agree to comply with and be bound by the terms and conditions of said Order unless and until modified by further Order of this Court. I hereby consent to the jurisdiction of said Court for purposes of enforcing this Order.

DATED: \_\_\_\_\_

\_\_\_\_\_

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